

NPDES Permit No. IL0000302

Notice No. dksisp/713hc

Date: OCT 29 1985

FILE
Coal Mine Hill
for resolve Add/perm

National Pollutant Discharge Elimination System (NPDES)
Permit Program

PUBLIC NOTICE/FACT SHEET
of

Proposed Modified NPDES Permit to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois EPA
Division of Water Pollution Control
Permit Section
2200 Churchill Road
Springfield, Illinois 62766
217/782-0610

Name and Address of Discharger:

Freeman United Coal Mining Company
Post Office Box 180
Duquoin, Illinois 62832

Name and Address of Facility:

Freeman United Coal Mining Company
Facility Mine No. 11
4 1/2 miles north of
Vergennes, Illinois
Perry County

The Illinois Environmental Protection Agency (IEPA) has made a tentative determination to issue an NPDES permit to discharge into the waters of the state and has prepared a draft permit for the above named discharger.

Length of Permit:

Approximately 5 Years

Name of Receiving Waters:

Panther Creek, Youngs Creek

Classification of Receiving Waters:

General Use

The following water quality and effluent standards and limitations were applied to the discharge.

Except as otherwise noted the effluent concentrations and load limitations (including toxics) were based on effluent and, if applicable, water quality limitations specified in Illinois Pollution Control Board (IPCB), Rules and Regulations, Chapter 1: Subtitle C entitled Water Pollution, Subtitle L entitled Mine Related Water Pollution and/or 40 CFR 434.

The applicant operates an existing surface coal mine (SIC 1211) located 4 1/2 miles north of Vergennes, Illinois, Perry County in Sections 16, 17, 20, 21, 22, 23, 26, 27, 28, 29, T-6-S, R-2-W, Perry County.

EPA Region 5 Records Ctr.



324288

NPDES Permit No. IL0000302

Illinois Environmental Protection Agency

Division of Water Pollution Control

2200 Churchill Road

Springfield, Illinois 62706

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Modified (NPDES) Permit

PROPOSED
Subject to Revision

Expiration Date: August 1, 1986

Modification Date:

Modification Effective Date:

Issue Date: January 30, 1984

Effective Date: February 29, 1984

Name and Address of Permittee:

Freeman United Coal Mining Company
Post Office Box 180
Duquoin, Illinois 62832

Facility Name and Address:

Freeman United Coal Mining Co.
Fidelity Mine No. 11
4 1/2 miles north of
Vergennes, Illinois
Perry County

Discharge Number and Name:

002 Surface runoff and/or
pit pumpage

Receiving Waters:

Panther Creek, tributary to
Beaucoup Creek.

003 Surface runoff and/or
pit pumpage

Youngs Creek

In compliance with the provisions of the Illinois Environmental Protection Act, the Subtitle C and/or Subtitle D Rules and Regulations of the Illinois Pollution Control Board, and the FWPCA, the above-named permittee is hereby authorized to discharge at the above location to the above-named receiving stream in accordance with the standard conditions and attachments herein.

Permittee is not authorized to discharge after the above expiration date. In order to receive authorization to discharge beyond the expiration date, the permittee shall submit the proper application as required by the Illinois Environmental Protection Agency (IEPA) not later than 180 days prior to the expiration date.

Thomas C. McSwiggin, P.E.
Manager, Permit Section
Division of Water Pollution Control

TGNI:IAS:cks:sp/7650c

NPDES Permit No. IL0000302

Modification Date:

Effluent Limitations and Monitoring

PARAMETER	LOAD LIMITS		CONCENTRATION		SAMPLE FREQUENCY	SAMPLE TYPE
	lbs/day		LIMITS mg/l			
	30 DAY AVG.	DAILY MAX.	30 DAY AVG.	DAILY MAX.		
1. From the effective date of this permit until August 1, 1985, the effluent of the following discharge(s) shall be monitored and limited at all times as follows:						
	Outfall(s): 002					
Flow					If Discharge Occur	
					Measure When	
					Monitoring	
pH	The pH shall be within the range of 6.0-9.0				1/Month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity				1/Month	Grab
Total Suspended Solids			35.0	70.0	*3/Month	Grab
Total Iron			3.5	7.0	*3/Month	Grab
Sulfates				3500	***	Grab
Chlorides				1000	***	Grab
	Outfall(s): 005					
Flow					If Discharge Occur	
					Measure When	
					Monitoring	
pH	The pH shall be within the range of 6.0-9.0				1/Month	Grab
Alkalinity/ Acidity	Total acidity shall not exceed total alkalinity**				1/Month	Grab
Total Suspended Solids			35.0**	70.0**	*3/Month	Grab
Total Iron			3.5**	7.0**	*3/Month	Grab
Sulfates				3500	***	Grab
Chlorides				1000	***	Grab

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*A minimum of three samples must be collected during the calendar month when the pond is discharging. A "no flow" situation is not considered to be a sample of the discharge.

**Any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period less than or equal to the 10-year, 24-hour precipitation event (or snowmelt of equivalent volume) may comply with the following limitations instead of the asteriked limitations:

DAILY
MAX.

Settleable Solids

.5 ml/l

If the precipitation is greater than a 10-year, 24-hour precipitation event, the only applicable limitation is pH. The asteriked limitations shall be applicable at all times, whenever it is determined that the prerequisites of 35 Ill. Admin. Code 406.106(b)(3) are no longer met.

***Sample frequency shall be once a month until twelve samples have been collected; after which, sample frequency shall be once a quarter.

Special Conditions

1. Samples taken in compliance with the effluent monitoring requirements shall be taken at a point representative of the discharge but prior to entry into the receiving stream.
2. No effluent from any mine related facility area under this permit shall, alone or in combination with other sources, cause a violation of any applicable water quality standard as set out in the Illinois Pollution Control Board Rules and Regulations, Chapter 3: Water Pollution, unless specifically exempted under Rule 605.1 of Chapter 4.
3. Based on grab sampling, an upstream and downstream monitoring program for the parameters; iron, manganese, sulfate and total dissolved solids, shall be done on a quarterly basis.

Upstream samples taken in compliance with the water quality monitoring requirements shall be taken at a point representative of the stream prior to receiving any mine discharges.

Downstream samples taken in compliance with the water quality monitoring requirements shall be taken in accordance with Rule 203(a), Chapter 3: Water Pollution, at a point downstream from all indirect and direct discharges associated with the mining operation.

Monitoring shall be conducted when there is an effluent discharge from the mine site. Results of the water quality monitoring program shall be submitted with the quarterly submittal of Discharge Monitoring Reports.

4. The permittee shall record monitoring results on Discharge Monitoring Report Forms using one such form for each discharge each month.

Discharge Monitoring Reports shall be mailed to the IEPA at the following address:

Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

Attention: Mine Pollution Control Program

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Special Conditions

5. The completed Discharge Monitoring Report form shall be retained by the permittee for a period of three months and shall be mailed and received by the IEPA in accordance with the following schedule, unless otherwise specified by the permitting authority.

Period	Received by IEPA
January, February, March	April 15
April, May, June,	July 15
July, August, September	October 15
October, November, December	January 15

NPDES Permit No. IL0000302

Construction Authorization

Log #5022-82

Authorization is hereby granted to the above designee to construct the mine and mine refuse area described as follows:

A surface coal mining operation (Kathleen Pit) and coal preparation facilities located on 1,913 acres in Sections 16, 17, 20, 21, 22, 23, 26, 27, 28 and 29, T6S, R2W, Perry County.

All surface drainage from these facilities shall be routed through the sedimentation pond with discharge #002. This discharge is to Panther Creek, tributary to Beaucoup Creek, tributary to the Big Muddy River.

This permit replaces the following previous State permits:

1973-EA-13-OP issued 01/05/73
1973-MD-8-OP issued 01/05/73
1973-MD-8-OP-1 issued 01/05/76
1973-MD-8-OP-2 issued 09/10/76
1973-MD-8-OP-3 issued 06/01/79
1973-MD-8-OP-4 issued 12/28/79
1980-MD-3051 issued 02/15/80

The surface mining area designated as the Northwest Pit of this mine, permitted under State Permit #1973-MD-8-OP, and whose discharges were permitted under NPDES #IL0035840 (004) will be considered abandoned at such time as this NPDES construction authorization is issued in final form.

Discharge #002 is granted the water quality exemption of Section 406.201 of Title 35, Subtitle D, Chapter 1. However, this discharge does not qualify for the rainfall exemption of Section 406.106(b) of Title 35, Subtitle D, Chapter 1.

This Authorization is issued subject to the following Special Condition(s). If such Special Condition(s) require(s) additional or revised facilities, satisfactory engineering plan documents must be submitted to this Agency for review and approval to secure issuance of a Supplemental Authorization to Construct.

1. If any statement or representation in the application is found to be incorrect, this permit may be revoked and the permittee thereupon waives all rights thereunder.

NPDES Permit No. IL0000502

Construction Authorization

Log #5022-82

2. The issuance of this permit (a) shall not be considered as in any manner affecting the title of the premises upon which the mine or mine refuse area is to be located; (b) does not release the permittee from any liability for damage to person or property caused by or resulting from the installation, maintenance or operation of the proposed facilities; (c) does not take into consideration the structural stability of any units or parts of the project; and (d) does not release the permittee from compliance with other applicable statutes of the State of Illinois, or with applicable local laws, regulations or ordinances.
3. Final plans, specifications, application and supporting documents as submitted by the person indicated on Page 1 as approved shall constitute part of this permit and are identified by Log #6022-82 in the records of the Illinois Environmental Protection Agency.
4. This permit may not be assigned or transferred. Any subsequent operator shall obtain a new permit from the Illinois Environmental Protection Agency.
5. There shall be no deviations from the approved plans and specifications unless revised plans, specifications and application shall first have been submitted to the Illinois Environmental Protection Agency and a supplemental permit issued.
6. The permit holder shall notify the Illinois Environmental Protection Agency (217/782-3637) immediately of an emergency at the mine or mine refuse area which causes or threatens to cause a sudden discharge of contaminants into the waters of Illinois and shall immediately undertake necessary corrective measures as required by Section 405.111 of Subtitle D, Chapter I, entitled "Mine Related Water Pollution". (217/782-3637 for calls between the hours of 8:00 p.m. to 8:30 a.m. and on weekends.)
7. No effluent from any mine or mine refuse area under this permit shall, alone or in combination with other sources, cause a violation of any applicable water quality standard as set out in the Illinois Pollution Control Board Rules and Regulations, Chapter 3.

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Supplemental

Construction Authorization

Log #6030-82

Supplemental Authorization is hereby granted to the above designee to construct mine and mine refuse area, which were previously approved under Authorization No. 6022-82 dated December 2, 1982. These facilities have been revised as follows:

To add an additional 500 acres of mining in Sections 27, 28 and 33 in T6S, R2W in Perry County. The surface drainage is controlled by sedimentation ponds with outfalls (002) above and (005). Discharge 005 is tributary to Youngs Creek and is granted the exemptions of 33 Ill. Admin. Code 406.106 and 406.201.

The abandonment plan in accordance with Section 406.109 is contained in application log #6030A-82.

All Conditions in the original Authorization to Construct are incorporated in this Supplemental Authorization unless specifically deleted or revised herein.

This Supplemental Authorization is issued subject to the following Condition(s). If such Condition(s) require(s) additional or revised facilities, appropriate engineering plan documents must be submitted to this Agency for review and approval to secure issuance of a Supplemental Authorization to Construct.

1. The channel which directs the outfall of 005 to Youngs Creek shall be adequately maintained to transport these flows without violations of effluent or water quality standards.

Supplemental

Construction Authorization

Log #6077-86

Supplemental Authorization is hereby granted to the above designee to construct mine and mine refuse area, which were previously approved under Authorization Nos. 6022-82 and 6030-82 dated January 30, 1984. These facilities have been revised as follows:

- The refuse disposal plan has been modified by the addition of 20 acres to the log disposal area. This area is currently covered under IL0000302. This area is adjacent to the current gob disposal area.

NPDES Permit No. IL00000002

The drainage control plan does not change. Pursuant to 35 Ill. Admin. Code 406.203 the water quality standards of 35 Ill. Admin. Code 406.202 as they apply to sulfates, chlorides, total dissolved solids, iron and manganese shall not apply to discharges 002 and 006 subject to Special Condition 1.

All Conditions in the original Authorization to Construct are incorporated in this Supplemental Authorization unless specifically deleted or revised herein.

This Supplemental Authorization is issued subject to the following Condition(s). If such Condition(s) require(s) additional or revised facilities, appropriate engineering plan documents must be submitted to this Agency for review and approval to secure issuance of a Supplemental Authorization to Construct.

1. Any of the following shall be a violation of the provisions required under 35 Ill. Admin. Code 406.203(c):
 - A. It is demonstrated that an adverse effect on the environment in and around the receiving stream has occurred or is likely to occur.
 - B. It is demonstrated that the discharge had adversely affected or is likely to adversely effect any public water supply.
 - C. The Agency determines the permittee is not utilizing good mining practices which are applicable in order to minimize the discharge of total dissolved solids, chloride, sulfate, iron and manganese. The following concentrations are presumed achievable according to information in the application, and demonstrate the utilization of good mining practices. The Agency may require additional information to determine compliance with 35 Ill. Admin. Code 406.204 when they are exceeded.

<u>Outfall</u>	<u>Chloride in mg/l</u>	<u>Sulfate in mg/l</u>	<u>Other</u>
002, 006	500	2,200	

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ATTACHMENT H

Standard Conditions

Definitions

Act means the Illinois Environmental Protection Act, Ch. 111 1/2 Ill. Rev. Stat., Sec. 1001-1051 as Amended.

Agency means the Illinois Environmental Protection Agency.

Board means the Illinois Pollution Control Board.

Clean Water Act (formerly referred to as the Federal Water Pollution Control Act) means Pub. L. 92-500, as amended, 33 U.S.C. 1251 et seq.

NPDES (National Pollutant Discharge Elimination System) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318 and 405 of the Clean Water Act.

USEPA means the United States Environmental Protection Agency.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Maximum Daily Discharge Limitation (daily maximum) means the highest allowable daily discharge.

Average Monthly Discharge Limitation (30 day average) means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

Average Weekly Discharge Limitation (7 day average) means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Aliquot means a sample of specified volume used to make up a total composite sample.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes.

24 Hour Composite Sample means a combination of at least 8 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over a 24-hour period

8 Hour Composite Sample means a combination of at least 3 sample aliquots of at least 100 milliliters, collected at periodic intervals during the operating hours of a facility over an 8-hour period

Flow Proportional Composite Sample means a combination of sample aliquots of at least 100 milliliters collected at periodic intervals such that either the time interval between each aliquot or the volume of each aliquot is proportional to either the stream flow at the time of sampling or the total stream flow since the collection of the previous aliquot.

- (1) **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the revocation and reissuance, or modification, or for denial of a permit renewal application. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (2) **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. If the permittee submits a proper application as required by the Agency no later than 180 days prior to the expiration date, this permit shall continue in full force and effect until the final Agency decision on the application has been made.
- (3) **Need to halt or reduce activity not a defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (4) **Duty to mitigate.** The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- (5) **Proper operation and maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up, or auxiliary facilities, or similar systems only when necessary to achieve compliance with the conditions of the permit.

- (6) **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- (7) **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.
- (8) **Duty to provide information.** The permittee shall furnish to the Agency within a reasonable time, any information which the Agency may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also furnish to the Agency, upon request, copies of records required to be kept by this permit.
- (9) **Inspection and entry.** The permittee shall allow an authorized representative of the Agency, upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - (d) Sample or monitor at reasonable times, for the purpose of assuring permit compliance, or as otherwise authorized by the Act, any substances or parameters at any location.
- (10) **Monitoring and records.**
 - (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - (b) The permittee shall retain records of all monitoring information, including all calibration and maintenance records, and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of this permit, measurement, report or application. This period may be extended by request of the Agency at any time.
 - (c) Records of monitoring information shall include:
 - (1) The date, exact place, and time of sampling or measurements;
 - (2) The individual(s) who performed the sampling or measurements;
 - (3) The date(s) analyses were performed;
 - (4) The individual(s) who performed the analyses;
 - (5) The analytical techniques or methods used; and
 - (6) The results of such analyses.
 - (d) Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 CFR Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.
- (11) **Signatory requirement.** All applications, reports or information submitted to the Agency shall be signed and certified.
 - (a) **Application.** All permit applications shall be signed as follows:
 - (1) **For a corporation:** by a principal executive officer of at least the level of vice president;
 - (2) **For a partnership or sole proprietorship:** by a general partner or the proprietor, respectively; or
 - (3) **For a municipality, State, Federal, or other public agency,** by either a principal executive officer or ranking elected official.
 - (b) **Reports.** All reports required by permits, or other information requested by the Agency shall be signed by a person described in paragraph (a) or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - (1) The authorization is made in writing by a person described in paragraph (a), and
 - (2) The authorization specifies either an individual or a position responsible for the overall operation of the facility, from which the discharge originates, such as a plant manager, superintendent or person of equivalent responsibility, and
 - (3) The written authorization is submitted to the Agency.